

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
JULY 20, 1966

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, July 20, 1966, in the City Hall Council Chambers.

**ROLL CALL**           **Present:**   Councilmen - BROWN, CULBERTSON, HUNNELL  
KIRSTEN and WALTON (Mayor)

Absent: Councilmen - None

Also present were City Manager Graves, Administrative Assistant Peterson, City Attorney Mullen and Planning Director Schroeder.

## MINUTES

Minutes of June 15, 22, and July 6, 1966 were approved as written and mailed on motion of Councilman Brown, Hunnell second, after making the following corrections: In the minutes of June 15, 1966, page 4, in the paragraph entitled "Bank of America Re Property Exchange in Parking District No. 1. Res. No. 2951 Adopted" change the tenth sentence to read, "Their feeling was that they had received a request from the bank and would hold a public hearing thereon to get the views of property owners in the parking district and to assemble more information concerning the exchange of property before making any determination." In the minutes of July 6, 1966, page 1, in the paragraph entitled "1911 Improvement Act Explained" change the third sentence to read, "If, for any reason, the proceedings are terminated before they are completed, the subdivider (property owner) pays the cost of the proceedings."

1911 IMPROVE-  
MENT ACT  
DISCUSSED

Mayor Walton called on Mr. Robert Blewett of Blewett, Blewett and Garretson of Stockton, representing the Lodi Development Corporation, to furnish additional information to the City Council regarding the use of 1911 Improvement Act bonds for financing subdivision development. Councilman Kirsten asked what the Council's action should be at this time. City Manager Graves said this proposal should be thoroughly investigated first. He said opinions are split among cities that now employ this procedure, and he urged caution. Mr. Blewett said the Council would have to be selective in the use of this procedure, but added the City would not be liable for losses. He said he appreciated the Council's desire not to rush a decision. Councilman Kirsten said it was a Council duty to facilitate development and he moved that additional information be assembled in order to allow the Council to take final action on this proposal at its next regular meeting. The motion was seconded by Councilman Brown.

Councilman Culbertson said he wished to study the proposal in depth and added it may not be possible to arrive at a decision at the next regular meeting. Councilman Brown said he had talked to persons who have had experience with such financing and he had been cautioned to proceed very carefully. Councilman Hunnell asked why some cities have refused to consider 1911 Improvement Act bonds. The City Manager answered that sufficient information had not yet been gathered to answer that, and added he would have more data soon. Councilman Hunnell asked if there was no way to prevent abuse of this act. Mr. Blewett said the project engineer must certify completion of work before payments

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can be made. The question was called and the motion to review this proposal at the next regular meeting with possible final action at that time was passed unanimously.

#### PUBLIC HEARINGS

##### BANK OF AMERICA PROPERTY EXCHANGE

RES. NO. 2961  
ADOPTED

The hearing on the proposed exchange of property between the City of Lodi and the Bank of America having been continued from the meeting of July 6, 1966, Mayor Walton asked for consideration of this matter. Councilman Kirsten said he would feel better if the resolution authorizing the exchange contained a provision for allowing amendments by future Councils. The City Attorney said the resolution can always be amended. Councilman Culbertson said the resolution meets the qualifications he had in mind and he was told by City Attorney Mullen, in answer to a question, that the Bank of America has agreed to the conditions set forth in the resolution. Councilman Culbertson then moved, Hunnell second, that Resolution No. 2961 authorizing the exchange of properties lying within Parking District No. 1, Lodi, between the City of Lodi and the Bank of America be adopted.

Mayor Walton said there was some question in his mind regarding the language of the resolution. He said he felt the Bank of America should not be given possession of the property adjacent to the bank building until construction on the proposed bank has been started. He said he was concerned about a possible delay in the start of construction. Mr. Rollie DeBow, Continental Service Company, San Francisco, spoke in behalf of the Bank of America. He said it is the bank's intention to proceed with construction as soon as possible, and that almost immediately the bank will be in a position to proceed with the design. He added there is no intention to delay construction. The question was called and the motion to adopt Resolution No. 2961 authorizing this exchange of properties was passed by the following vote:

AYES: Councilmen - BROWN, CULBERTSON, HUNNELL,  
KIRSTEN and WALTON

NOES: Councilmen - None

ABSENT: Councilmen - None

##### ZEMKE & JONES, INC. APPEAL DENIED

Notice thereof having been published in accordance with law, the Mayor called for hearing on the appeal of Zemke & Jones, Inc. from the decision of the Planning Commission in denying their request for a change in zoning from C-P, Commercial-Professional, to C-1, Neighborhood Commercial, for their property of approximately 1 $\frac{1}{4}$  acres at the northeast corner of Kettleman Lane and Ham Lane. Planning Director Schroeder said the Planning Commission denied this request because it would extend commercial zoning on Kettleman Lane and encourage strip zoning. Mr. C. L. Jones, 900 Victor Road, one of the property owners, told the Council the site would not be used for a service station. He said C-1 zoning was warranted on the basis of heavy traffic on both Kettleman Lane and Ham Lane. Councilman Brown recalled the original request was for C-P zoning for this property. Mr. Jones answered that he felt C-1 was now the proper zoning. Mr. Frank Zemke, 900 Victor Road, partner of Mr. Jones in this venture, said the intent is not to put a service station on the site. He said there are other plans for the property.

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Councilman Kirsten excused himself from participating in the discussion or the voting because of a personal interest. City Manager Graves briefly discussed planning as it relates to this intersection. Councilman Culbertson said he agreed with the Planning Commission that C-1 zoning would be an undesirable extension of a commercial area, and moved the appeal be denied. Councilman Hunnell seconded the motion. The question was called and motion was passed by a vote of 4-0, with Councilman Kirsten abstaining.

ANNEX  
MELHAFF ADDN

RES. NO. 2962  
ADOPTED

Notice thereof having been published in accordance with law, Mayor Walton called for hearing on the proposed annexation of the Melhaff Addition, being a 16.3-acre parcel on the west side of South Stockton Street, 600 feet south of Kettleman Lane and adjacent to the Southern Pacific Railroad track. There were no protests, written or oral. On motion of Councilman Brown, Kirsten second, the City Council adopted Resolution No. 2962 annexing the Melhaff Addition to the City of Lodi by unanimous vote.

ANNEX VOGEL  
ADDITION

RES. NO. 2963  
ADOPTED

Notice thereof having published in accordance with law, the Mayor called for hearing on the proposed annexation of the Vogel Addition, being a 56.9-acre parcel east of the Highway 99 Freeway and on the west side of the California Traction Company track. There were no protests, written or oral. On motion of Councilman Brown, Kirsten second, the City Council adopted Resolution No. 2963 annexing the Vogel Addition to the City of Lodi by unanimous vote.

#### PLANNING COMMISSION

The City Manager reported on the following actions of the Planning Commission at its meeting of July 11, 1966:

REZONING PROP.  
SE CORNER TURNER  
ROAD & LOWER  
SACTO. ROAD

1. The Commission conditionally approved the request of the ~~Land~~ <sup>City of</sup> Land Development Company for a change of zoning from the R-1, Single-Family Residential District to the P-D. Planned-Development District for a parcel at the southeast corner of Turner Road and Lower Sacramento Road. On motion of Councilman Brown, Kirsten second, the matter was set for public hearing on August 3, 1966.

OTHER PC  
ACTION

2. Conditionally approved the tentative subdivision map of Westlake No. 2. The map covers the area recommended for P-D zoning and consists of a shopping center and 78 condominium lots on a 18.4 acre parcel.
3. Denied the request of Harman's, Lodi, Incorporated, by Mr. Philip A. Augason, Manager for a use permit to erect a rotating sign for Harman's Kentucky-Fried Chicken at 820 West Lodi Avenue in an area zoned C-1, Neighborhood Commercial.
4. Denied the request of Mr. Sam Salas for a variance in the maximum sign area permitted in a C-P, Commercial-Professional zone to permit an existing funeral home sign at 225 South School Street to be relocated to 725 South Fairmont Avenue.

#### COMMUNICATIONS

ENDORSEMENT OF  
PROPOSITION

A letter was received from Mr. Robert M. Cole, General Manager of the San Joaquin County Employees Association, Inc., asking the City Council's endorsement of

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<p>COUNTY RES. GRANTING PROP. TO CITY</p>	<p>Proposition 1 on the November ballot. The measure would permit the investment of public retirement funds in common stocks. On motion of Councilman Kirsten, Hunnell second, the matter was tabled.</p>
<p>APPEAL SAMUEL D. SALAS</p>	<p>A copy of a County Board of Supervisors' resolution was read declaring intention to convey and grant to the City of Lodi certain property acquired for the improvement of West Lane.</p>
<p>APPEAL HARMAN CAFE</p>	<p>A letter was received from Mr. Samuel D. Salas, Lodi Funeral Home, appealing the decision of the City Planning Commission in denying his request for a variance in the maximum sign area permitted in a C-P Commercial-Professional zone to permit an existing funeral home sign to be relocated at 725 South Fairmont Avenue. On motion of Councilman Culbertson, Kirsten second, the appeal was set for public hearing on August 3, 1966.</p>
<p>CLAIM FOR DAMAGES</p>	<p>A letter was received from Mr. Phillip A. Augason, Harman's Kentucky Fried Chicken, 820 West Lodi Avenue, appealing the decision of the City Planning Commission denying his request for a use permit to erect a rotating sign for said business establishment in an area zoned C-1 Neighborhood Commercial. On motion of Councilman Culbertson, Kirsten second, the appeal was set for public hearing on August 3, 1966.</p>
<p>MILLS ESTATE ADDITION  RES. NO. 2968 ADOPTED</p>	<p>A claim for damages was received from Leonard T. Cain, Attorney at Law, on behalf of Mrs. Violet Holdridge, 748 South Stockton Street, Lodi. On motion of Councilman Brown, Kirsten second, the claim was rejected and referred to the City's Agent of Record for action.</p>
<p><del>STOCKTON ST.</del> STOCKTON ST. ADDITION  RES. NO. 2969 ADOPTED</p>	<p>A petition was presented from all the owners of property west of Mills Avenue between West Elm Street and Yosemite Drive, totaling 34.07 acres, requesting that the property be annexed to the City of Lodi as the Mills Estate Addition. The annexation has been approved by the Local Agency Formation Commission of San Joaquin County. On motion of Councilman Culbertson, Brown second, the City Council adopted Resolution No. 2968 declaring the intention of the City to annex the Mills Estate Addition and setting public hearing thereon for August 3, 1966.</p>
<p><del>STOCKTON ST.</del> STOCKTON ST. ADDITION  RES. NO. 2969 ADOPTED</p>	<p>A petition was presented on behalf of the City of Lodi requesting that certain City-owned property, a well-site on the southeast corner of South Stockton Street and Kettleman Lane be annexed to the City of Lodi as the South Stockton Street Addition. The property is approximately 50' by 100'. The annexation has been approved by the Local Agency Formation Commission of San Joaquin County. On motion of Councilman Brown, Kirsten second, the City Council adopted Resolution No. 2969 declaring the intention of the City to annex the <del>STOCKTON ST.</del> Stockton Street Addition and setting public hearing thereon for August 3, 1966.</p>
<p>CHAMBER OF COMMERCE RE CHEROKEE LANE</p>	<p>A letter was received from the Chamber of Commerce requesting a progress report on the study currently being conducted by the City staff to determine lighting costs for Cherokee Lane. The City Manager explained there are many factors involved. He said the lighting will be an integral part of the plan for the entire street. Vernon Ekstrom, Chamber of Commerce president, said he'd like to be able to present figures to the Chamber Board of Directors at its meeting August 10, 1966.</p>

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City Manager Graves said the City staff will hopefully have a rough estimate of comparative costs by then. Mrs. Esther Lund, chairman of the Civic Affairs Committee of the Chamber, said the Cherokee Lane property owners are primarily interested in the dollar difference between street lights down the center of the street and down each side of the street.

CHAMBER OF  
COMMERCE RE  
DOWNTOWN  
IMPROVEMENTS

The Deputy City Clerk read a letter from the Chamber of Commerce regarding improvements in the downtown business district. The Chamber's proposal includes making School Street and Sacramento Street, between Lodi Avenue and Lockeford Street, one way in opposite directions; establishing planted beautified barricades to channel traffic; and diagonal parking. City Manager Graves said such a plan requires a lot of study. Mayor Walton asked the City Manager to write a letter to the Civic Affairs Committee explaining the City's position. Vernon Ekstrom, Chamber president, said copies of the proposed plan would be made available to the City staff. He said this was an idea that came out of the Congress for Community Progress.

ASSEMBLY  
CONCURRENT  
RES. RE  
CALIFORNIA  
BICENTENNIAL

The Deputy City Clerk read a State Assembly Concurrent Resolution proclaiming 1969 as California's Bicentennial Year. The resolution requests that all cities and counties give consideration to commemorating in some significant manner the history-making establishment of California's first permanent settlement.

ADVERTISING  
DISPLAY

A letter was received from Mr. Marv Putnam, Lodi Tent and Awning Co., requesting permission to fly a helium-filled balloon to a height of 250 feet for eight days in early August. The balloon would be anchored to a store roof in downtown Lodi and would be in the air from approximately 9 a.m. to 5:30 p.m. and support advertising messages. On motion of Councilman Brown, Kirsten second, the City Council approved this request subject to liability restrictions as determined by the City Attorney.

KYTOON  
BALLOON

CLAIM -  
REPUBLIC  
CONST. CO.

The City Manager read a letter from Mr. Thomas J. Doyle, Republic Construction Co., requesting the City pay his claim for \$150 in regard to his work on the Lodi Lake Pumping Station. He claims that during the construction of this project, he encountered extra expense due to a defective valve installed by the City. On motion of Councilman Culbertson, Kirsten second, the matter was referred to the City staff.

CLAIM -  
MR. RUEBEN  
ZERBE

Mr. Rueben Zerbe, 427 Cherry Drive, told the City Council he is in the process of filing a claim against the City. Mayor Walton would not proceed with this matter until after the claim has been formally filed.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$675,701.06 were approved on motion of Councilman Culbertson, Kirsten second.

AWARD -  
STREET MATERIALS

The following bid was received on street materials for 1966-67:

RES. NO. 2964  
ADOPTED

Claude C. Wood Company

1. 700 tons class 2 aggregate base,  
1" maximum size \$2.55 per ton

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- |    |   |                |
|----|---|----------------|
| 2. | 300 tons concrete sand  | \$2.70 per ton |
| 3. | 300 tons dense graded plantmixed surfacing, Type B, 3/8" maximum size, SC-800 liquid asphalt binder         | 6.25 per ton   |
| 4. | 1,000 tons dense graded asphalt concrete surfacing, Type B, 1/2" maximum size, 85-100 paving asphalt binder | 6.00 per ton   |
| 5. | 2,000 tons dense graded asphalt concrete surfacing, Type B, 3/8" maximum size, 85-100 paving asphalt binder | 6.25 per ton   |

On motion of Councilman Kirsten, Brown second, the City Council adopted Resolution No. 2964 awarding the contract for the above materials to the Claude C. Wood Company.

AWARD -  
PLEASANT AVE.  
STORM DRAIN

RES. NO. 2965  
ADOPTED

The City Manager presented the following tabulation of the bids which had been received on the Pleasant Avenue Storm Drain - Oak Street to Civic Center - and recommended that award be made to the low bidder:

W. M. Lyles Company	\$ 9,678.75
Claude C. Wood Company	9,981.25
Engineered Pipe, Inc.	10,320.00
William Burkhardt	11,926.10
A. Teichert & Son	12,845.00
Stockton Construction Co., Inc.	12,940.00
Merrill Yost	15,987.00

On motion of Councilman Culbertson, Hunnell second, the City Council adopted Resolution No. 2965 awarding the contract for the above named project to the low bidder, W. M. Lyles Co., for the amount of the bid.

AWARD -  
BASIN B-1  
FENCING

RES. NO. 2966  
ADOPTED

The following bid was received for installation of fencing at Basin B-1:

San Jose Steel Company, Inc.	\$ 6,923.00
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On motion of Councilman Hunnell, Culbertson second, the City Council adopted Resolution No. 2966 awarding the contract for the above named project to San Jose Steel Co., Inc. for the amount of the bid.

AWARD -  
VINEWOOD SCHOOL  
TURFING &  
SPRINKLERS

RES. NO. 2967  
ADOPTED

City Manager Graves presented the following tabulation of the bids which had been received on the Vinewood School Turfing and Sprinkling, and recommended that award be made to the low bidder:

Cioli & Da Re Landscaping	\$ 9,350.00
Albert F. Stein Landscape Co.	13,055.00
Talini Landscaping	13,075.00
Kawamura Landscape	16,322.00
Bibens Nursery Co.	16,343.00

On motion of Councilman Hunnell, Brown second, the City Council adopted Resolution No. 2967 awarding the contract for the above named project to the low bidder, Cioli & Da Re Landscaping, for the amount of the bid.

SPECS -  
WALNUT ST.  
SANITARY SEWER

The City Manager presented plans and specifications for the sanitary sewer on Walnut Street between Rose Street and Hutchins Street. Councilman Brown moved that the plans and specifications be approved and calling for bids authorized. The motion was seconded by Councilman Kirsten and carried.

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SPECS -  
BASIN A-1  
TURFING &  
SPRINKLING

City Manager Graves presented plans and specifications for Basin A-1 turfing and sprinkling system. On motion of Councilman Culbertson, Kirsten second, the City Council approved the plans and specifications for Basin A-1 turfing and sprinkling system and authorized calling for bids thereon.

SPECS -  
36" & 60"  
STORM DRAIN  
ON TOKAY ST.

Plans and specifications for 36" and 60" storm drain on Tokay Street between Mills Avenue and Ham Lane. On motion of Councilman Brown, Kirsten second, the City Council approved plans and specifications for a 36" and a 60" storm drain on Tokay Street between Mills Avenue and Ham Lane and authorized calling for bids thereon. The 60" line will join Basin B-1 from the east. The 36" line will join Basin B-1 from the west.

AUTHORIZATION  
TO PURCHASE  
MOWER

The City Manager requested authorization for the purchase of a seven-gang mower for use in the Recreation and Parks Department. On motion of Councilman Culbertson, Kirsten second, the Council authorized the purchase of said equipment.

CALIFORNIA  
ZEPHYR

City Manager announced he had received a call from a citizen asking if the City Council was going to take a stand on the proposal of Western Pacific Railroad to discontinue the California Zephyr train. The Council, noting the fact that the train does not pass through the City of Lodi, took no action on the matter.

W. LODI AVE.  
WIDENING

Councilman Hunnell asked about the widening of West Lodi Avenue. The City Manager said he plans to include acquisition of right-of-way for this project in this year's Capital Outlay Budget.

BUSINESS  
LICENSES FOR  
VETERANS

Councilman Culbertson asked if veterans were granted any special consideration in the area of business licenses. The City Attorney said disabled veterans are granted certain exemptions. The Council asked the Planning Director for a report on business license as regards veterans.

LOMA DRIVE -  
LAKE STREET  
INTERSECTION

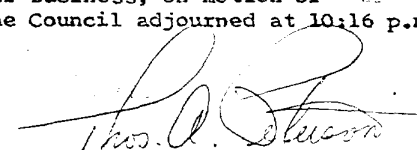
The Council asked of the current status of improvements in curb, gutter and sidewalk work at the intersection of Loma Drive and Lake Street. City Attorney Mullen said proceedings are underway to bring about said improvements.

OPENING OF  
DONNER DRIVE

Planning Director Schroeder was asked the status of the proposed opening of Donner Drive in the Lawrence Ranch Subdivision. He said Mr. Stanley Kirst, who made the request, has asked that the matter be dropped.

ADJOURNMENT

There being no further business, on motion of Councilman Kirsten the Council adjourned at 10:16 p.m.

  
Attest: THOMAS A. PETERSON  
Deputy City Clerk